

**MINUTES OF MEETING
OF CITIZENS ADVISORY COUNCIL
May 18, 2022**

CITIZENS ADVISORY COUNCIL (CAC) MEMBERS PRESENT:

Jacquelyn Bonomo	James Schmid
Cynthia Carrow	Thad Stevens
Lori Dayton	John Walliser
Mitch Hescox	Jim Welty
John St. Clair	Tim Weston
Trisha Salvia	

CAC STAFF PRESENT:

Keith Salador, Executive Director

CALL TO ORDER:

Vice Chairman Weston called the meeting to order at 12:30 PM.

APPROVAL OF MEETING MINUTES:

Vice Chairman Weston solicited additions or corrections to the April 19, 2022 Minutes. Hearing none:

James Schmid made a motion to approve the Minutes of April 19, 2022.

Mitch Hescox seconded the motion, which was unanimously approved.

DEP REPORT:

Secretary McDonnell provided a brief update on the following:

DEP Executive Staff Update

Lisa Daniels has been named as the Acting Deputy Secretary for the Water Programs. Jessica Shirley has been named the Infrastructure Implementation Coordinator. Kate Cole has taken the role of Policy Director. Brian Chalfant will be taking the role of Acting Policy Director while Kate is on maternity leave.

Federal Bipartisan Infrastructure Law Funding Update

On May 12 DEP's Office of Oil and Gas Management successfully submitted a grant application package to receive \$25 million dollars via the Initial Grant portion of the IJA funding to address the plugging of approximately 500 orphaned and abandoned wells across the state.

In December 2021 DEP submitted a Notice of Intent to the Department of Interior (DOI) to apply for a Formula Grant. Pennsylvania is eligible to receive \$79,178,000 in the first phase of the Formula Grant and is projected to receive \$104,178,000 in the second phase. When adding the amount of Formula Grant funding to the Initial Grant dollars, this results in a total projected award of \$330,626,000.

Related to Brownfields, the EPA has been allotted an additional \$300 million through the Bipartisan Infrastructure Law to supplement the existing State and Tribal Response Program Grant over five years. The Commonwealth may receive an additional \$400-500,000 per year for program operations and enhancements. The application deadline is June 3.

The Energy Programs Office (EPO) anticipates receiving approximately \$27 million in Formula funding and intends to: apply for an Energy Efficiency Revolving Loan Fund Capitalization Grant to provide loans and grants for energy efficiency audits and upgrades; apply for the Building Codes Implementation for Efficiency and Resilience Grant for energy code workforce training, codes updates, implementation, and compliance; work in partnership with other agencies to support energy code workforce development; apply for funding from the Energy Efficiency and Conservation Block Grant to support small local governments and nonprofit programs with funding for energy efficiency, renewable energy, and zero-emission transportation; and apply for the "Building a Better Grid" Preventing Outages and Enhancing the Resilience of the Electric Grid Grant.

RGGI Implementation Update

DEP's CO2 Budget Trading Program regulation was published in the PA Bulletin on April 23. Pennsylvania will begin implementation of the program on July 1. After that date, compliance entities must begin tracking CO2 emissions. The first RGGI auction in which Pennsylvania will participate is September 7. Entities that will need to comply with RGGI have until March 1, 2023 to acquire allowances equal to 50% of their emissions from July 1, 2022-December 31, 2022 and until March 1, 2024 to account for 100% of those emissions. DEP has begun preparing for implementation, including staffing projections, meetings with RGGI Inc., development of the service contract for RGGI Inc.'s services, and familiarization with the allowance tracking system.

Environmental Justice Policy Update

CAC heard from the Director of the Office of Environmental Justice (OEJ), Justin Dula, about the recently released draft Environmental Justice Policy. The public comment period for the Environmental Justice policy ended on May 11. During this period DEP held four virtual public hearings in addition to accepting written comments. The OEJ conducted outreach by presenting to a variety of community groups, advisory boards, and commissions and 20 presentations were given with a few hundred participants. Details can be found on the OEJ website: www.dep.pa.gov/environmentaljustice.

Chesapeake Bay Watershed Implementation Plan Update

On April 18 the EPA published their evaluation of Pennsylvania's amended Phase 3 WIP which determined that Pennsylvania is still short of meeting its nutrient planning targets. The EPA provided a list of "enhancements" for DEP to consider and requested a revised WIP and response within 90 days. DEP met with the EPA on April 27 to further discuss the evaluation. The Department will continue coordinating with the EPA to address necessary actions based on the WIP evaluation and milestones. The deadline to submit an updated WIP to the EPA is Monday, July 18.

PFAS MCL Rulemaking Update

This rulemaking proposes to set an MCL of 14 ppt for PFOA and an MCL of 18 ppt for PFOS. The proposed rulemaking also contains MCL compliance provisions and requirements for public notification. The proposed PFAS rule was published in the *Pa Bulletin* on February 26, with a 60-day public comment period that included five public hearings. When the public comment period ended on April 27, DEP had received over 3,500 comments, largely supporting the rulemaking or encouraging the Department to pursue additional stringencies. IRRC has until May 26 to provide comments. The Department expects to present the final-form rulemaking to the Safe Drinking Water Advisory Committee this summer and to the EQB in the fall. If approved by the EQB, the PFAS rule should be published as a final rulemaking in early 2023.

Rate Design Study Update

The EPO has contracted with Synapse Energy Economics to research current electric rate designs in Pennsylvania and recommend alternative electricity rate designs for electric vehicle charging that will maximize the economic and environmental benefits of electric vehicles while minimizing any negative grid impacts of electric vehicle charging. The final product is expected to be publicly available near the end of 2022.

A question and answer session followed. A specific request was once again made for copies of the Act 54 stream evaluation reports. Keith Salador indicated that this would be dealt with in a CAC letter to the mining program.

PUBLIC COMMENT

Ankit Jain, Associate Attorney, Sierra Club

Mr. Jain stated that today DEP lists 9,780 oil and gas wells as orphaned; however, the Sierra Club submitted a RTK request to DEP to obtain the information it used to submit its Notice of Intent to apply for federal well plugging funding under the Bipartisan Infrastructure Bill. In its application to the DOI, DEP listed 26,900 wells as orphaned. The federal well plugging funding is to be used only for orphaned wells and not wells that are abandoned but have identifiable owners. The law allows the states to define when a well counts as orphaned, but clearly states that on federal land an orphaned well is one for which there is no identifiable owner. Sierra Club's concern is that the taxpayers will be paying to plug wells that have clearly identifiable owners who have skirted plugging requirements. Sierra Club is asking DEP to notify the DOI that its initial list was incorrect, to commit to not use any funds received from the DOI to plug wells where there is an identifiable owner, to remove Group 5 wells from its definition of orphaned wells eligible for federal funding, and to aggressively pursue well owners who have a duty to plug their abandoned wells.

PRESENTATIONS:

Orphaned and Abandoned Well Program Update

Kurt Klappowski, Acting Deputy Secretary, Office of Oil and Gas Management

This presentation addressed the legacy of abandoned/orphaned wells in Pennsylvania, implementation of the Infrastructure Investment and Jobs Act which has opened up access to unprecedented levels of funding and the opportunity to reduce environmental, public safety, and financial liabilities associated with abandoned and orphaned wells in the Commonwealth, and the development of solutions, current action items, and key contracting elements.

Mitch Hescocx personally thanked Kurt for his efforts.

A lengthy Q&A session revolved around the hiring of additional staff, bidding, the structure of contracts, and simplification of permitting. For those interested in this work, details can be found on DEP's Oil & Gas website on the What's New tab.

Draft Final-Form RACT III Rulemaking

Tim Weston, Vice Chair

Comments or questions were solicited on a draft letter addressed to Mark Hammond, Director of the Bureau of Air Quality, dated May 18, 2022 stating that the CAC had voted to support the advancement of the draft final rulemaking to the EQB. Hearing none:

Vice Chair Tim Weston made a motion to approve the draft letter as circulated. James Schmid seconded the motion, and all were in favor.

Draft Legacy Issues Report

Keith Salador, CAC Executive Director

A draft letter was recently circulated highlighting the most recent changes. A section was added at the end directed to folks who are interested in getting involved with the legacy issues. Just prior to the meeting, Keith received a comment on coal mine methane which he will need to review, so the matter will not be up for vote today.

Two recommendations were made: 1) to include the legacy issues of PFAS under the Brownfields Site Remediation section; and 2) the Strategic Issues Committee take a look at the issues coming out of the State Water Plan and develop a series of recommendations for specific actions to be taken.

Keith will update the Legacy Issues Report and the full committee will review it during the June meeting.

Draft 2020 Annual Report

Keith Salador, Executive Director

The 2020 Annual Report was previously circulated to the members. Comments or questions on the report were solicited. Hearing none:

James Schmid made a motion to adopt the Annual Report for 2020 as submitted. Cynthia Carrow seconded the motion, which was unanimously approved.

CAC Committee Reports

EQB

The EQB adopted the rulemaking amending the land recycling program regulations to update the statewide health standards for MSCs for vanadium by updating the vanadium toxicity value.

The EQB also adopted final form amendments to address the difference between Commonwealth and federal regulations relating to temporary cessation at coal refuse disposal sites.

Aggregate Advisory Board

At its last meeting, the committee discussed a draft form that would be used on applications to review issues associated with naturally occurring asbestos. There was also discussion related to how noise is to be considered and evaluated at mine sites. DEP put forth some criteria for judging noise that was questioned by several members of the board. There will be significant additional discussion on these two issues.

Nominating Committee

Jerome Shabazz has agreed to again stand for election as Chair. Tim Weston has agreed to again stand as Vice Chair. Members of the Council who are interested in either of those offices should advise Cynthia Carrow or Keith Salador.

Strategic Issues Committee

The committee hopes to convene in the next several weeks.

New Business/Open Discussion

Discussion revolved around a transition document for the new Administration. Keith Salador will circulate the previous two transition reports. Following discussion:

Mitch Hescox made a motion that after review of the previous two transition reports, a new transition document be brought before the Council in June for a vote whether to proceed. Thad Stevens seconded the motion, and all were in favor.

The next meeting of the CAC will be June 21.

ADJOURNMENT:

With no further business, Vice Chair Tim Weston motioned to adjourn the meeting. Mitch Hescox seconded the motion, and all were in favor. The May 18, 2022 meeting of the CAC adjourned at 3:25 PM.